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Message Text

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ORIGIN EB-11

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O 102033Z JUL 74
FM SECSTATE WASHDC
TO AMEMBASSY LIMA IMMEDIATE

C O N F I D E N T I A L STATE 148644

E.O. 11652: GDS
TAGS: ETRN, PE
SUBJECT: CIVAIR: BRANIFF AND AEROPERU
REF: A) LIMA 5404; B) LIMA 5413; C) LIMA 5506;
D) LIMA 5548

1. DEPARTMENT SHARES EMBASSY CONCERN REGARDING POSSIBILITY MENTIONED REF A THAT AEROPERU MIGHT SEEK TO PLACE ONUS OF FAILURE TO BEGIN OPERATIONS BY JULY 28 ON US, EVEN IF PERMIT ISSUED IN TIMELY MANNER AND IN FORM ACCEPTABLE TO GOP. GIVEN TACTICS DISPLAYED THUS FAR, HOWEVER, AND LEVEL OF CONFUSION PREVALENT IN MINDS SENIOR GOP OFFICIALS REGARDING TECHNICALITIES U.S. LAW AND REGULATIONS, WE BELIEVE THAT WHILE SOME GENERAL REFERENCE TO SUBJECT OF OPERATIONAL REQUIREMENTS OTHER THAN OPERATING PERMIT SHOULD BE MADE, IT WOULD BE BETTER TO AVOID SPECIFIC DETAILS IN ANY PRESENTATION TO SENIOR GOP OFFICIALS. WE SEE DANGER THAT SOME GOP OFFICIALS MIGHT TRY MAKE POLITICAL ISSUE OUT OF ROUTINE TECHNICAL REQUIREMENTS MET BY ALL AIRLINES SEEKING TO OPERATE IN U.S.

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2. WE HAVE DISCUSSED MATTER INFORMALLY WITH AEROPERU'S

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ATTORNEY HERE, WHO ADVISES THAT HE INFORMED AERORERU OF ALL SUCH PROCEDURAL REQUIREMENTS SOME TIME AGO. WE HAVE INDICATED TO HIM THAT USG IS PREPARED TO MAKE EVERY EFFORT ASSIST AEROPERU IN COMPLETING THESE OTHER NECESSARY ROUTINE REQUIREMENTS.

3. FYI: DEPARTMENT NOW ANTICIPATES THAT ACTION BY CIVIL AERONAUTICS BOARD ITSELF MAY BE COMPLETED WITHIN NEXT FEW DAYS. WE WILL THEN ATTEMPT EXPEDITE MATTER AT WHITE HOUSE. SINCE NEW DEVELOPMENT THUS EXPECTED VERY SOON, DEPARTMENT WOULD PREFER DETAILED INITIATIVE ON THIS SUBJECT NOT BE TAKEN BY AMBASSADOR UNTIL FURTHER NOTICE. WE DO NOT YET KNOW WHETHER CAB WILL DELETE CONDITIONS, BUT THERE IS POSSIBILITY ONE OR BOTH CONDITIONS WILL BE RETAINED, POSSIBLY IN AMENDED FORM. IF IT DOES NOT DELETE BOTH CONDITIONS, DEPARTMENT WOULD MAKE STRONG NATIONAL INTEREST CASE TO WHITE HOUSE THAT CONDITIONS BE DELETED WITH FAIR EXPECTATION THAT CONDITION WOULD BE REMOVED THERE. WE DO NOT, HOWEVER, SEE ANY VIRTUE IN AIRING ANY POSSIBLE INTERNAL USG DIFFERENCES BEFORE THE GOP AND CERTAINLY NOT BEFORE WE KNOW CAB'S DECISION RE CONDITIONS. SEPTEL WILL PROVIDE REPORT OF CAB DECISION WHEN DELIVERED WITH CONTINGENCY LANGUAGE FOR EMBASSY USE IF NECESSARY. CAB DECISIONS ARE NOT RPT NOT MADE PUBLIC UNTIL ACTED UPON BY THE PRESIDENT. END FYI.

4. IN ORDER AVOID INCIPIENT HAZARD FLAGGED IN PARA 1 REF B, AMBASSADOR OR OTHER EMBOFF SHOULD APPROACH GOP OFFICIALS AT APPROPRIATE LEVEL TO MAKE FOLLOWING POINTS:

A. DEPARTMENT MAINTAINS CONTINUING HIGH LEVEL OF INTEREST IN AEROPERU INTENDED OPERATION, AND IN THAT LIGHT HAS BEEN IN CLOSE DAILY CONTACT WITH CAB. WE EXPECT CAB RECOMMENDATION TO PRESIDENT SHORTLY.

B. THERE ARE, OF COURSE, OTHER PURELY ROUTINE TECHNICAL REQUIREMENTS WHICH SHOULD BE COMPLETED IN SUFFICIENT TIME TO ALLOW INAUGURATION AEROPERU FLIGHTS ON DATE CONTEMPLATED. THESE MATTERS ARE BEING HANDLED BY AEROPERU'S WASHINGTON ATTORNEY. IN EFFORT INSURE EVERY POSSIBLE STEP CONFIDENTIAL

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TAKEN TO ASSIST AEROPERU, WE WISH TO ASSURE GOP THAT USG STANDS PREPARED FACILITATE COMPLETION THESE ROUTINE REQUIREMENTS AS NECESSARY. (FYI: IF QUERIED AS TO DETAILS THESE REQUIREMENTS YOU SHOULD MERELY SAY THAT AEROPERU ATTORNEY HAS INFORMED AEROPERU OF THEM. YOU COULD MENTION AS AN EXAMPLE THE NEED FOR OPERATING SPECIFICATIONS FROM FAA, WHICH YOU UNDERSTAND IRISH WOULD BE PREPARED TO ASSIST IN OBTAINING. END FYI.)

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C. USG HAS RECEIVED NO RESPONSE AS YET FROM GOP REGARDING CONSULTATIONS RE BRANIFF SCHEDULES AND OTHER BILATERAL ISSUES SEPARATE FROM AEROPERU PERMIT. USG BELIEVES SUCH CONSULTATIONS SHOULD HAVE TOP PRIORITY AND HOPES GOP WOULD BE ABLE SOON TO AGREE TO HOLD THEM.

5. PARA 2B(2) REF B INCORRECT IN THAT SCHEDULE FILING BY AEROPERU NOT REQUIRED.

6. DEPARTMENT RECEIVED LETTER MENTIONED IN REF C AFTERNOON JULY 9. LETTER IS DATED JULY 8 AND EFE STORY COVERS MAIN POINTS (COPY POUCHED TO EMBASSY). PRELIMINARY INQUIRIES REGARDING COMMITTEE FOR AN OPEN SOCIETY, INC. OF WASHINGTON D.C. SO FAR SHED NO LIGHT ON ORGANIZATION. LETTER IS SIGNED BY COMMITTEE'S EXECUTIVE DIRECTOR WILLIAM HIGGS AND LISTS AS ITS DIRECTORS ISABEL GARCIA, JULIUS W. HOBSON, LOREN WEINBERG, WILLIAM HIGGS AND ANNE BERB-LINGER.

7. BRANIFF VICE PRESIDENTS SOUTH AND DE MURIAS ACCOM-PANIED BY BRANIFF WASHINGTON COUNSEL HOWARD HILL CALLED ON DEPUTY ASSISTANT SECRETARY SHLAUDEMAN AFTERNOON JULY 9. THAT MORNING THEY HAD MADE SIMILAR APPROACH TO CAB. SOUTH SUMMARIZED DEVELOPMENTS SINCE CAB ADMINISTRATIVE LAW JUDGE ISSUED HIS OPINION AND LEFT FOR DEPARTMENT'S INFORMATION, LONG MEMORANDUM DETAILING BRANIFF'S DIFFICUL-TIES IN PERU (COPY POUCHED TO EMBASSY). BRANIFF CONCLU-SION IS THAT NO MOVEMENT IS POSSIBLE IN ITS PROBLEM UNT L PERMIT IS ISSUED WITHOUT RESTRICTION. ONCE THIS HAS OC-CURED, BRANIFF'S FIRST PRIORITY WOULD BE TO OBTAIN PERU-VIAN APPROVAL OF THIRTY-EIGHT FREQUENCIES THEY HAD IN-TENDED TO FLY JULY 1. FOLLOWING THAT THEY WOULD HOPE
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CONSULTATIONS COULD BEGIN, IN WHICH THEY BELIEVE SURTAX ON FIFTH FREEDOM COULD BE WORKED OUT ON BASIS SOME SORT OF SERVICE CONTRACT BETWEEN BRANIFF AND AEROPERU. ONCE AEROPERU IS OPERATING THEY BELIEVE PERUVIANS WILL BE MORE TRACTABLE. HOWEVER, THEY ALSO SUSPECT PERUVIANS RE-TICIENT TO CONSULT. EVEN WITH NO CONSULTATIONS, BRANIFF SEES POSSIBILITY OF WORKING OUT ADDITIONAL FREQUENCIES AND PERHAPS EVEN THE FIFTH FREEDOM SURCHARGE PROBLEM, ONCE THE UNRESTRICTED OPERATING PERMIT FOR AEROPERU IS ISSUED.
KISSINGER

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